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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/032,521	10/19/2001	Wilf Koenders	0100024	6872

26874 7590 12/22/2003

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EXAMINER

PRONE, JASON D

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 12/22/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/032,521

Applicant(s)

KOENDERS, WILF

Examiner

Jason Prone

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 October 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

In light of applicant's arguments, the examiner has withdrawn the restriction.

Drawings

1. The drawings are objected to because In Figure 3, item "25" should be replaced with "2S". A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3 and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miura in view of Sunhara et al. Miura discloses the invention including a coil support adapted to support a coil such that the coil may rotate about the coil axis to unroll an end portion (141 and 142), a sheet support adapted to support the end portion (110), a cutting head mounted above the sheet support and end portion (122), a cutting head drive operative to move the cutting head back and forth along a first path parallel to the coil axis (121), a computer operative to control the cutting head (Column 1 lines 5-9), a coil drive to rotate the coil (141 and 142), computer controls the coil drive (Column 2 lines 57-63), a plurality of straitening roller (111 and 112), that the sheet

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support is oriented such that there is an open space beneath the end portion under the first path (Fig. 4), that the sheet support comprises a pair of support rollers defining the opening space there-between (111 and 113) but fails to disclose a computer operated sheet metal drive operative to move the end portion forward and rearward along a second path perpendicular to the coil axis. Sunhara et al. teaches a computer operated sheet metal drive operative to move the end portion forward and rearward along a second path perpendicular to the coil axis (32 and 34). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided Miura with the sheet metal drive, as taught by Sunohara et al., to allow for more precise cutting.

4. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miura in view of Sunhara et al. as applied to claims 1-3 above, and further in view of Nasu. Miura and Sunhara et al. disclose the invention including that the computer is operative to rotate the coil in a sheet advancing direction (Column 2 lines 57-63 in Miura) and that the coil maintains a slack portion (Fig. 7) but fail to disclose a that computer is operative to rotate the coil in a sheet retracting direction. Nasu teaches a computer that rotates the coil in a sheet retracting direction (4). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided Miura in view of Sunohara et al. with rotating the coil in a retracting direction, as taught by Nasu, to for prevent over feeding of the work piece to be cut.

5. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miura in view of Sunhara et al. as applied to claim 1 above, and further in view of

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Ominato. Miura and Sunhara et al. disclose the invention but fail to disclose a measuring device operable to transmit information respecting the position of the end portion. Ominato teaches a measuring device operable to transmit information respecting the position of the end portion (11). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided Miura in view of Sunhara et al. with a measuring device, as taught by Ominato, to prevent unwanted cutting actions.

6. Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miura in view of Sunhara et al. further in view of Ominato as applied to claims 1 and 6 above. Miura, Sunhara et al., and Ominato disclose the invention but fail to disclose that the measuring device comprises a wheel bearing including a resilient surface or a plurality of teeth. It would have been an obvious matter of design choice to make the measuring device of whatever form or shape was desired or expedient. The measuring device disclosed by Ominato is considered the equivalent to the measuring device disclosed in the present application. A change in form or shape is generally recognized as being within the level of ordinary skill in the art, absent any showing of unexpected results. *In re Dailey et al.*, 149 USPQ 47.

7. Claims 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miura in view of Sunhara et al. as applied to claim 1 above, and further in view of Caraballo. Miura and Sunhara et al. disclose the invention but fail to disclose a first guide roller that is fixed and bears against a first edge of the end portion, a second guide roller biased against an opposite edge, a third guide roller fixed and bearing

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against the first edge of the end portion between the first guide roller and the coil, and a fourth guide roller biased against the second edge of the end portion between the second guide roller and the coil. Caraballo teaches a first guide roller that is fixed and bears against a first edge of the end portion (64), a second guide roller biased against an opposite edge (28), a third guide roller fixed and bearing against the first edge of the end portion between the first guide roller and the coil (66), and a fourth guide roller biased against the second edge of the end portion between the second guide roller and the coil (32). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided Miura in view of Sunohara et al. with a measuring device, as taught by Caraballo, to keep the work piece in line.

8. Claims 17-19 rejected under 35 U.S.C. 103(a) as being unpatentable over Miura in view of Sunhara et al. further in view of Nasu, Ominato, and Caraballo as applied to claims 1-16 above. In light of the apparatus rejection, the method is inherent.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Voges, Bartz, and Takahashi.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Prone whose telephone number is 703-605-4287. The examiner can normally be reached on 7:30-5:00, Mon - (every other) Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on 703-308-1082. In lieu of mailing, it is encouraged that all formal responses be faxed to 703-872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.



JP
December 12, 2003



Allan N. Shoap
Supervisory Patent Examiner
Group 3700